

Minutes of Special and Regular City Council Meeting of August 14, 2012
City Council Chambers, One Twin Pines Lane

CALL TO ORDER 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Wozniak, Feierbach, Lieberman, Braunstein, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Attorney Rennie, Police Chief DeSmidt, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, Parks and Recreation Director Gervais, Human Resources Director Dino, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Mayor Warden

SPECIAL PRESENTATIONS

Residential Customer Satisfaction Survey Results by Rethink Waste and Godbe Consultants

Public Works Director Oskoui explained that Godbe Consultants conducted a survey of solid waste services for all of the agencies served by Recology, Inc.

Charles Hester, Godbe Consultants, explained the methodology used in surveying customers, and provided an overview of the results of the survey which addressed cost and the use of recycling and composting, and awareness of additional and special services was also measured.

In response to Council questions, Mr. Hester stated that although there is no comparative data, any result over 50 percent related to awareness of any special service is considered a good response. He also indicated that people leaving their carts out was not listed as a reason that people contacted Recology.

Councilmember Feierbach noted that residents have the ability to exchange cart size if their cart does not fit through the gate on their property.

Public Works Director Oskoui stated that the survey results will help target additional public outreach. He described code enforcement efforts relative to carts being left out at the curb.

Councilmember Braunstein requested comparative data for all agencies.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Dolly Goyal, Teen Services Librarian, outlined upcoming activities targeted for middle and high school students, as well as services available for youth. She described upcoming programs and stated that the Belmont Library is continuing to partner with the Belmont Parks and Recreation Department.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Lieberman shared an historic photo from the former Belmont Speedway. He also noted that recognition of retired Central School Principal Cori McKenzie was discussed at the July 10th meeting, a meeting at which he was absent. He suggested inviting her to an upcoming Council meeting.

Mayor Warden announced the upcoming Movie in the Park on August 31st. He also announced that the next regularly scheduled meeting of August 28th has been cancelled for a summer recess. He described the upcoming San Mateo County Public Safety Memorial to be held on September 9th.

AGENDA AMENDMENTS

Councilmember Lieberman and Mayor Warden requested the removal of Consent Item 4-H (Resolution of the City Council Accepting a Donation to the Twin Pines Senior and Community Center from the Estate of William Pearce) for separate consideration.

CLARIFICATION ON ITEMS CONSENT CALENDAR

In response to Mayor Warden's question regarding the Informational Report on Successor Agency Activities (Consent Item B), Finance Director Fil clarified that the Oversight Board recently approved the January through June 2013 ROPS (Recognized Obligation Payments Schedule), which has now been sent to the Department of Finance.

In response to Councilmember Lieberman regarding Warrants (Consent Item C) related to payment to Red Flex for the red light camera program, Police Chief DeSmidt indicated that the City of Belmont was just completing its second year of this program. He indicated that the system is paying for itself without much additional revenue. He noted that enforcement is resulting in a safer intersection. He explained that there have been no serious accidents since the installation of the cameras.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of the City Council of July 10, 2012 and July 24, 2012

Acceptance of Informational Report on Successor Agency Activities and the January through June 2013 Recognized Obligations Payment Schedule (ROPS)

Motion to Receive Monthly Financial Reports

Approval of Resolution 2012-082 of the City Council Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Valley Oil Company for an Amount not to Exceed \$25,000

Approval of Resolution 2012-083 of the City Council Authorizing Payment to Caltrans for Traffic Signal Maintenance at Old County Road and Ralston Avenue for an Amount not to Exceed \$5,939.22

Approval of Resolution 2012-084 of the City Council Authorizing the Belmont Police Department to Participate in the Bulletproof Vest Partnership (BVP) Grant in an Amount not to Exceed \$6,600.

Approval of Resolution 2012-085 of the City Council Accepting Work and Authorizing the Issuance of a Notice of Substantial Completion for the Vine Street Sewer Repair Project, City Contract Number 2012-516 for a Final Contract Cost of \$29,478.78

Approval of Resolution 2012-086 of the City Council Authorizing an Agreement for Mechanical Engineering Services to Reduce Energy Usage at the Belmont Library for a Cost Not to Exceed \$11,200

Approval of Resolution 2012-087 of the City Council Rejecting All Bids for the 2012 Capital Pavement Project, City Contract Number 2011-512 and Authorizing Award of Contract for a Reduced Scope of Work

Approval of Resolution 2012-088 Authorizing the City Manager to Execute a Service Agreement with HDR Engineering, Inc. to Provide Solid Waste Technical and Professional Rate Review Services for an Amount not to Exceed \$22,000 and Authorizing a Contingency of \$3,000

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Feierbach, the Consent Agenda was unanimously approved, as amended, by a show of hands.

ITEM REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION

Resolution of the City Council Accepting a Donation to the Twin Pines Senior and Community Center from the Estate of William Pearce

Mayor Warden expressed his appreciation to the Estate of William Pearce for the sizable contribution for upgrades to the Senior and Community Center.

Councilmember Lieberman suggested drafting a thank you letter that could be signed by all Councilmembers.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, Resolution 2012-089 Accepting a Donation to the Twin Pines Senior and Community Center from the Estate of William Pearce was unanimously approved by a show of hands.

OTHER BUSINESS

Resolution Authorizing Exclusive Negotiating Agreement (ENA) proceedings and submittal of development review entitlement/permit applications with Belmont Firehouse Square, LLC, for the Firehouse Square Target Site

Community Development Director de Melo stated that the City of Belmont has owned the Firehouse Square property for many years. He noted that the RFQ (Request for Qualifications) process started in 2009 to identify a developer, and the City subsequently acquired the property at El Camino Real and O'Neill Avenue. He stated that tonight's action is to approve an exclusive negotiating agreement. He clarified that this is not approval of any project, nor does it include the private commercial properties along El Camino Real. He commented that a courtesy notice for tonight's meeting was sent to neighbors within 500 feet of the project site, and feedback was received.

City Attorney Rennie clarified that the exclusive negotiating agreement establishes a relationship with the developer and does not commit to a project. Finance Director Fil added that milestones can be set.

Councilmember Feierbach stated that issues to be addressed include density, height and compatibility with the neighborhood. She questioned when the public would be able to provide feedback.

City Attorney Rennie explained that various actions will need to be made by both the Planning Commission and the City Council, since all entitlements require approval, and there will likely be multiple meetings throughout the process. He clarified that the City is the property owner and is in position to control the project to meet the interests and needs of the City.

George Burgess, Belmont Chamber of Commerce, stated that the City has waited a long time for this project. He expressed support for the proposed developer and pointed out that the General Plan update will help in the process.

Michyle LaPedis, Downtown Neighborhood Association of Belmont (DNAB), described some of the questions she submitted in writing to staff on behalf of DNAB. She requested information regarding the impact to the property if no action is taken, and clarification regarding the number of units, the City's objectives, and how this project might integrate into surrounding properties such as Safeway. She noted that the site may have land restrictions, including a park. She stated that community benefits should be included in the Detailed Development Agreement, and cited the need for senior housing.

Raveh Abbaszadeh, Iron Gate Restaurant, initially thought this project included the commercial properties on El Camino Real, and now realizes that it does not. He has no objection.

Victoria Anderson, Belmont resident, expressed concerns regarding parking and traffic. She cited the need for adequate parking for existing residents.

Alisa Feree, Belmont resident, expressed her appreciation for being asked for feedback. She stated that any project should be kept in context with the neighborhood as low density. She acknowledged the need for a project to pencil out, and the need to keep the neighbors in mind.

Patti Smith, Belmont resident, expressed concerns regarding the impact on local businesses.

Kevin Sullivan, Belmont resident, stated that it is helpful that the City has a previous relationship with the developer, and that there is a need for a check-in process. He expressed a desire to move forward with something for this property, as the downtown needs a vision. He supports the exclusive negotiating agreement.

Ken Bush, Sares/Regis (developer), stated that the San-Mateo based company is familiar with the needs of the community. He expressed the importance of involving the community early on in the process. He provided a history of other projects in the area, including the Ross Woods development on Davey Glen Road. He described his company's philosophy.

In response to Councilmember Feierbach's concern regarding the transient nature of apartments versus condos, Mr. Bush stated that there is a demand for apartments. He expressed the need for

a successful development that will be managed professionally. He noted that the project has not yet been defined.

Discussion ensued regarding potential amenities at the project site, as well as the potential for a community benefit agreement.

Community Development Director de Melo stated that there will be multiple opportunities to check in with the neighborhood and respond to the public. He described the RFQ process and noted that due to economic conditions, there was not much response early on, and the recent dissolution of the redevelopment agency has been a factor as well. He explained that the developer has a good reputation and will be working with a commercial property partner. He explained that because the property was acquired with low-to-moderate income funds there is an obligation to create housing that accommodates all income types. He stated that the expectation is for a quality project that will respect the surrounding neighborhood. He noted that the Belmont Village Zoning provides for a mix of uses without the use of high rise buildings. He stated that this project should not affect existing businesses. He explained that since the City owns the property, it can shape the outcome to meet objectives and ideals.

City Attorney Rennie explained that an exclusive negotiating agreement is needed as an incentive for the developer to put together a plan. He noted that the developer will be expending funds.

Discussion ensued regarding the City's history with Sares-Regis, as well as objectives and expectations for this project.

Councilmember Lieberman stated that the neighborhood should have the trust of the City to do the right thing. He noted that the developer bears the financial risk. He expressed a desire to see this property developed, and expressed support for the exclusive negotiating agreement.

Councilmember Feierbach also expressed support for the agreement. She cited the need for a strong iterative process with the City Council and the neighbors. She noted that the property cannot be left vacant since it was purchased with low-to-moderate income funds, and the State could take it away. She stated that the character of the community is hard to define. She commented regarding the issue of trusting City officials.

Councilmember Braunstein expressed his appreciation for the thoughtful questions posed by the neighborhood. He supports the agreement and noted there will be many opportunities for neighborhood input.

Councilmember Wozniak stated that the property needs to be developed. She expressed support for going above and beyond regarding neighborhood outreach in order to have a transparent process. She would like to develop a strategy before the next steps.

Mayor Warden noted that the exclusive negotiating agreement is the first step in the process. He concurs with the need for community outreach. He also concurred that the property needs to be

developed, and that the low-to-moderate component does not mean that 100 percent of the units are required to be low-to-moderate. He expressed concern regarding density and height.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, Resolution 2012-090 of the City Council Authorizing Exclusive Negotiating Agreement (ENA) proceedings and submittal of development review entitlement/permit applications with Belmont Firehouse Square, LLC, for the Firehouse Square Target Site was unanimously approved by a show of hands.

RECESS: 9:22 P.M.

RECONVENE: 9:30 P.M.

Code Enforcement Update

Police Chief DeSmidt described the successful transition of code enforcement from the Community Development Department to the Police Department. He described the flexible schedule that has been developed to provide for some weekend enforcement. He explained the chain of command that will offer more accountability, and he outlined the benefit of having more eyes on code enforcement issues. He described the prioritization of enforcement as well as the cross-training taking place within the department. He explained that these are quality of life issues and the department has received good community feedback. He stated that the public is responsive to personal contact, and this issue provides an opportunity for education.

Councilmember Feierbach stated that she introduced code enforcement several years ago. She noted that more than one person is needed for enforcement, and the trash can issue continues to persist. She expressed her desire for a clean and neat community.

Councilmember Wozniak expressed support for the change in code enforcement. She noted that health and safety and noise are the biggest issues. She concurred that personal communication is helpful. She expressed a desire for better pedestrian and bicycle access.

Councilmember Lieberman expressed support for the flexible schedule, and stated that Belmont is fortunate to be able to handle code enforcement at the personal level. He stated that the Belmont Police Department sees its job differently from other cities.

Mayor Warden concurred that health and safety matters are the highest priority, and expressed support for personal outreach.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Wozniak reported that Richard Napier, the Executive Director of C/CAG (Cities/County Association of Government) announced his retirement at that organization's recent meeting.

Discussion and Direction Regarding Resolutions to be Considered at the Annual League of California Cities Conference, and Motion to Appoint Voting Delegate and Alternate

City Clerk Cook stated that the Council is required to take action to appoint a Voting Delegate and Alternate for the League of California Cities Annual Conference to be held the first week in September. She noted that no Councilmember had yet expressed interest, and that the City Attorney and Public Works Directors would both be attending.

ACTION: On a motion by Councilmember Wozniak, seconded by Councilmember Braunstein, and unanimously approved by a show of hands to appoint City Attorney Rennie as Voting Delegate and Public Works Director Oskoui as Voting Alternate.

Council concurred to allow the voting Delegate discretion regarding how to vote on the resolutions to be considered at the Annual Meeting.

Verbal Report from City Manager

Acting City Manager/Finance Director Fil thanked the public safety personnel and other City staff who were involved in the recent National Night Out events in Belmont. He noted that there were eight venues, and positive feedback was received from participants.

ADJOURN TO CLOSED SESSION (3rd Floor Conference Room), 10:02 P.M.

A. Conference with Labor Negotiator, Greg Scoles, under Government Code Section 54957.6: MMCEA, Belmont Firefighters IAFF Local 2400 and Fire Management Unit (FMU)

Attended by: Councilmembers Wozniak, Warden, Braunstein, Lieberman, City Attorney Rennie, Human Resources Director Dino, Finance Director/Acting City Manager Fil. Councilmember Feierbach did not attend, and City Clerk Cook was excused from attending.

CONVENE OPEN SESSION AND REPORT FROM CLOSED SESSION

City Attorney Rennie stated that there were no reportable actions from the Closed Session.

ADJOURNMENT at this time being 11:00 P.M.

**Terri Cook
City Clerk**

Meeting audio-recorded and videotaped (not Closed Session)